

COPY

Attorney Docket No.: 600-1-231N

**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below under my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**NOVEL STAPHYLOCOCCUS PEPTIDES FOR BACTERIAL INTERFERENCE**

the Specification of which

☐ is attached hereto  
☒ was filed on June 24, 1999  
and assigned Application Serial No. 09/339,511

I hereby state that I have reviewed and understand the contents of the above-identified Specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

| <u>APPLICATION</u><br><u>NUMBER</u> | <u>PRIOR FOREIGN FILED APPLICATION(S)</u><br><u>COUNTRY (MONTH/DAY/YYYY)</u> | <u>PRIORITY</u><br><u>CLAIMED</u> |
|-------------------------------------|--|-----------------------------------|
|-------------------------------------|--|-----------------------------------|

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

APPLICATION NUMBER(S)  
**60/090,402**

FILING DATE (MM/DD/YYYY)  
**JUNE 24, 1998**

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s), or §365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

|                        |               |                     |                               |
|------------------------|---------------|---------------------|-------------------------------|
| U.S. Parent            | PCT Parent    | Parent Filing       | Parent Patent                 |
| <u>Application No.</u> | <u>Number</u> | <u>(MM/DD/YYYY)</u> | <u>Number (if applicable)</u> |

I hereby appoint as my attorneys or agents the following persons: Jack Matalon. (Attorney, Registration No. 22,441); Stefan J. Klauber (Attorney, Registration No. 22,604); David A. Jackson (Attorney, Registration No. 26,742); Michael D. Davis (Attorney, Registration No. 39,161); Christine E. Dietzel (Agent, Registration No. 37,309); Donald J. Cox (Attorney, Registration No. 37,804); and Michael A. Yamin (Agent, Registration No. 44,414), said attorneys or agents with full power of substitution and revocation to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Please address all correspondence regarding this application to:

DAVID A. JACKSON, ESQ.  
KLAUBER & JACKSON  
411 HACKENSACK AVENUE  
HACKENSACK, NEW JERSEY 07601

Direct all telephone calls to David A. Jackson at (201) 487-5800.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF FIRST OR SOLE INVENTOR: Tom W. Muir

COUNTRY OF CITIZENSHIP: Great Britain

FULL RESIDENCE ADDRESS: 500 E. 63rd Street, Apt. 15B  
New York, New York 10021

FULL POST OFFICE ADDRESS: SAME AS ABOVE

SIGNATURE OF INVENTOR \_\_\_\_\_

DATE \_\_\_\_\_

FULL NAME OF SECOND JOINT INVENTOR: Patricia Mayville

COUNTRY OF CITIZENSHIP: United States

FULL RESIDENCE ADDRESS: 537 Holly Court  
Mahwah, New Jersey 07430

FULL POST OFFICE ADDRESS: SAME AS ABOVE

SIGNATURE OF INVENTOR \_\_\_\_\_

DATE \_\_\_\_\_

FULL NAME OF THIRD JOINT INVENTOR: Richard P. Novick

COUNTRY OF CITIZENSHIP: United States

FULL RESIDENCE ADDRESS: 10 West 86th Street  
New York, New York 10024

FULL POST OFFICE ADDRESS: SAME AS ABOVE

SIGNATURE OF INVENTOR \_\_\_\_\_

DATE \_\_\_\_\_

FULL NAME OF FOURTH JOINT INVENTOR: Ronald Beavis

COUNTRY OF CITIZENSHIP: ~~United States~~ *Canada* *RCB 12/21/99*

FULL RESIDENCE ADDRESS: 2-521 Gertrude Street  
Winnipeg, Manitoba  
Canada R3L 0M7

FULL POST OFFICE ADDRESS: SAME AS ABOVE

SIGNATURE OF INVENTOR *Ronald Beavis*

DATE *12/21/99*

FULL NAME OF FIFTH JOINT INVENTOR: Guangyong Ji

COUNTRY OF CITIZENSHIP: United States

FULL RESIDENCE ADDRESS: 1001 Rockville Pike  
Rockville, Maryland 20852

FULL POST OFFICE ADDRESS: SAME AS ABOVE

SIGNATURE OF INVENTOR \_\_\_\_\_

DATE \_\_\_\_\_

1002950-1002950

COPY

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| <u>APPLICATION</u> | <u>PRIOR FOREIGN FILED APPLICATION(S)</u> |                         |
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| <u>NUMBER</u>      | <u>COUNTRY (MONTH/DAY/YYYY)</u>           | <u>PRIORITY CLAIMED</u> |

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U.S. Parent  
Application No.

PCT Parent  
Number

Parent Filing  
(MM/DD/YYYY)

Parent Patent  
Number (if applicable)

I hereby appoint as my attorneys or agents the following persons: Jack Matalon, (Attorney, Registration No. 22,441); Stefan J. Klauber (Attorney, Registration No. 22,604); David A. Jackson (Attorney, Registration No. 26,742); Michael D. Davis (Attorney, Registration No. 39,161); Christine E. Dietzel (Agent, Registration No. 37,309); Donald J. Cox (Attorney, Registration No. 37,804); and Michael A. Yamin (Agent, Registration No. 44,414), said attorneys or agents with full power of substitution and revocation to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

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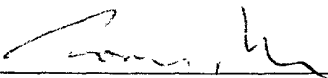
FULL NAME OF FIRST OR SOLE INVENTOR: Tom W. Muir

COUNTRY OF CITIZENSHIP: Great Britain

FULL RESIDENCE ADDRESS: 500 E. 63rd Street, Apt. 15B  
New York, New York 10021

FULL POST OFFICE ADDRESS: SAME AS ABOVE

SIGNATURE OF INVENTOR



DATE

12/14/99

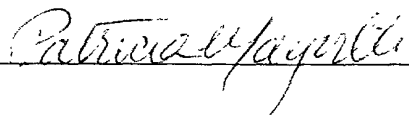
FULL NAME OF SECOND JOINT INVENTOR: Patricia Mayville

COUNTRY OF CITIZENSHIP: United States

FULL RESIDENCE ADDRESS: 537 Holly Court  
Mahwah, New Jersey 07430

FULL POST OFFICE ADDRESS: SAME AS ABOVE

SIGNATURE OF INVENTOR



DATE

12/27/99

FULL NAME OF THIRD JOINT INVENTOR: Richard P. Novick

COUNTRY OF CITIZENSHIP: United States

FULL RESIDENCE ADDRESS: 10 West 86th Street  
New York, New York 10024

FULL POST OFFICE ADDRESS: SAME AS ABOVE

SIGNATURE OF INVENTOR \_\_\_\_\_

DATE \_\_\_\_\_

FULL NAME OF FOURTH JOINT INVENTOR: Ronald Beavis

COUNTRY OF CITIZENSHIP: ~~United States~~ CANADA

FULL RESIDENCE ADDRESS: 2-521 Gertrude Street  
Winnipeg, Manitoba  
Canada R3L OM7

FULL POST OFFICE ADDRESS: SAME AS ABOVE

SIGNATURE OF INVENTOR \_\_\_\_\_

DATE \_\_\_\_\_

FULL NAME OF FIFTH JOINT INVENTOR: Guangyong Ji

COUNTRY OF CITIZENSHIP: United States

FULL RESIDENCE ADDRESS: 1001 Rockville Pike  
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SIGNATURE OF INVENTOR 

DATE 1/3/00

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60032950-12201

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FULL POST OFFICE ADDRESS: SAME AS ABOVE

SIGNATURE OF INVENTOR \_\_\_\_\_

DATE \_\_\_\_\_

FULL NAME OF SECOND JOINT INVENTOR: Patricia Mayville

COUNTRY OF CITIZENSHIP: United States

FULL RESIDENCE ADDRESS: 537 Holly Court  
Mahwah, New Jersey 07430

FULL POST OFFICE ADDRESS: SAME AS ABOVE

SIGNATURE OF INVENTOR \_\_\_\_\_

DATE \_\_\_\_\_

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COUNTRY OF CITIZENSHIP: United States

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FULL RESIDENCE ADDRESS: 1001 Rockville Pike Apt. 224 H  
Rockville, Maryland 20852

FULL POST OFFICE ADDRESS: SAME AS ABOVE

SIGNATURE OF INVENTOR Guangyong Ji

DATE 12/27/88

1002350-32701  
10/22/91 05:22:00

**ASSIGNMENT**

WHEREAS, we, the undersigned

RICHARD P. NOVICK, a citizen of the United States,  
residing at 10 West 86<sup>th</sup> Street  
New York, NY 10024;

RONALD BEAVIS, a citizen of Canada,  
residing at 2-521 Gertrude Street  
Winnipeg, Manitoba  
Canada R3L 0M7; and

GUANGYONG JI, a citizen of the United States,  
residing at 1001 Rockville Pike, Apt. 224  
Rockville, Maryland 20852,

together with Tom W. Muir and Patricia Mayville, have invented new and useful  
improvements in

**NOVEL STAPHYLOCOCCUS PEPTIDES FOR BACTERIAL INTERFERENCE**

for which we have filed an Application for Letters Patent in the United States on June 24, 1999, and assigned U.S. Serial No. 09/339,511; and

WHEREAS,

New York University  
an education corporation organized and existing under  
the laws of the State of New York,  
with offices 70 Washington Square South  
New York, New York 10012

ASSIGNEE, is desirous of obtaining the entire right, title and interest in, to and under the  
said improvements and the said application;

NOW, THEREFORE, FOR other good and valuable consideration, the receipt of which is  
hereby acknowledged, we the said

ASSIGNORS,

have sold, assigned, transferred and set over, and by these presents do hereby sell, assign,  
transfer and set over, to the said

ASSIGNEE,

its successors, legal representatives and assigns, the entire right, title and interest in, to and under the said improvements, and the said application and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, including the right to claim priority under the terms of any appropriate International Convention based upon said application for Letters Patent of the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents and Trademarks of the United States and any official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said

ASSIGNEE,

its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant that we have full right to convey the interest herein assigned in the manner hereinabove set forth, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said

ASSIGNEE.


its successors, legal representatives and assigns, any fact known to us respecting said improvements, and testify in any legal proceeding. sign all lawful papers, execute all divisions, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said

ASSIGNEE.

its successors, legal representatives and assigns, to obtain and enforce proper Patent Protection for said improvements in the United States.

IN TESTIMONY WHEREOF, we hereunto set our hand and seal the day and year set opposite our signatures.

Date: 1/3/00

 [L.S.]  
RICHARD P. NOVICK

Date: \_\_\_\_\_

\_\_\_\_\_[L.S.]  
RONALD BEAVIS

Date: \_\_\_\_\_

\_\_\_\_\_[L.S.]  
GUANGYONG JI

IN TESTIMONY WHEREOF, we hereunto set our hand and seal the day and year set opposite our signatures.

Date: \_\_\_\_\_

\_\_\_\_\_[L.S.]  
RICHARD P. NOVICK

Date: 12/21/99

 [L.S.]  
RONALD BEAVIS

Date: \_\_\_\_\_

\_\_\_\_\_[L.S.]  
GUANGYONG JI

IN TESTIMONY WHEREOF, we hereunto set our hand and seal the day and year set opposite our signatures.

Date: \_\_\_\_\_

\_\_\_\_\_  
RICHARD P. NOVICK [L.S.]

Date: \_\_\_\_\_

\_\_\_\_\_  
RONALD BEAVIS [L.S.]

Date: 12/27/89

Guangyong Ji  
GUANGYONG JI [L.S.]

**ASSIGNMENT**

WHEREAS, we, the undersigned

TOM W. MUIR, a citizen of Great Britain,  
residing at 500 East 63<sup>rd</sup> Street, Apt. 15B  
New York, NY 10021; and

PATRICIA MAYVILLE, a citizen of the United States,  
residing at 537 Holly Court  
Mahwah, New Jersey 07430;

together with Richard P. Novick; Ronald Beavis; and Guangyong Ji, have invented new  
and useful improvements in

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for which we have filed an Application for Letters Patent in the United States on June 24, 1999, and assigned U.S. Serial No. 09/339,511; and

WHEREAS,

The Rockefeller University  
an education corporation organized and existing under  
the laws of the State of New York,  
with offices at 1230 York Avenue, New York, New York 10021-6399

ASSIGNEE, is desirous of obtaining the entire right, title and interest in, to and under the  
said improvements and the said application;

NOW, THEREFORE, FOR other good and valuable consideration, the receipt of which is  
hereby acknowledged, we the said

ASSIGNORS,

have sold, assigned, transferred and set over, and by these presents do hereby sell, assign,  
transfer and set over, to the said

ASSIGNEE,

its successors, legal representatives and assigns, the entire right, title and interest in, to and  
under the said improvements, and the said application and all divisions, renewals and  
continuations thereof, and all Letters Patent of the United States which may be granted  
thereon and all reissues and extensions thereof, and all applications for Letters Patent which  
may hereafter be filed for said improvements in any country or countries foreign to the  
United States, including the right to claim priority under the terms of any appropriate

International Convention based upon said application for Letters Patent of the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents and Trademarks of the United States and any official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said

ASSIGNEE,

its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant that we have full right to convey the interest herein assigned in the manner hereinabove set forth, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said

ASSIGNEE,

its successors, legal representatives and assigns, any fact known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisions, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said

ASSIGNEE,

its successors, legal representatives and assigns, to obtain and enforce proper Patent Protection for said improvements in the United States.

IN TESTIMONY WHEREOF, we hereunto set our hand and seal the day and year set opposite our signatures.

Date: 12/14/97

TOM W. MUIR [L.S.]  
TOM W. MUIR

Date: 12/21/97

PATRICIA MAYVILLE [L.S.]  
PATRICIA MAYVILLE